

**SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA**

RESOLUTION

No. MR-20-044

(Amending Resolution Nos. MR-20-032, -033, -038, -039, -040 and -043)

And

**(Supplementing State of Emergency Declaration over Incidence of COVID-19
With Additional Measure – Curfew, Commuter Stickers and Data Reporting)**

WHEREAS, the San Carlos Apache Tribe (the “Tribe”) is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the San Carlos Council (“Council”) has the authority, among other things, to “represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the Tribe’s] Constitution and Bylaws,” pursuant to Article V, Section 1(a) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; and

WHEREAS, pursuant to Resolution No. MR-20-032, the Council did institute certain measures to mitigate the novel coronavirus known as COVID-19; and

WHEREAS, pursuant to Resolution No. MR-20-033, the Council did declare a state of emergency due to the incidence and rate of COVID-19 infections nationwide and in Arizona; and

WHEREAS, pursuant to Resolution No. MR-20-038, the Gaming Enterprise was directed to close certain of its operations and identified certain facilities for potential secondary hospital-based services; and

WHEREAS, pursuant to Resolution No. MR-20-039, the Council did approve certain additional measures to further prevent the incidence of COVID-19; and

WHEREAS, pursuant to Resolution No. MR-20-040, the Council did approve certain limitations on the Tribal Court and the tolling of statutes of limitation; and

WHEREAS, pursuant to Resolution No. MR-20-043, the Council did approve a limitation on public gatherings to ten (10) people and commercial bus stops on the Tribe’s property along State Route 70; and

WHEREAS, the incidence of COVID-19 continues to rise throughout the United States and Arizona, prompting further directives from the federal government and public health agencies concerning travel and contact with members of the public; and

WHEREAS, the Tribe has a compelling government interest to implement public health, safety and welfare measures to mitigate the COVID-19, given that it presents a pandemic to the world, the United States, Arizona and areas surrounding the Reservation, as expressed in prior Resolutions Nos. MR-20-032, -033, -038, -039, -040, and -043; and

WHEREAS, the Tribe's Emergency Response Commission ("TERC"), in coordination with first responders, the San Carlos Apache Healthcare Corporation ("SCAHC") and the Tribe's Department of Health & Human Services ("DHHS"), at a duly convened meeting of March 29, 2020, found that due to the continued high rate of incidence and exponential growth of COVID-19 in Maricopa, Navajo, Coconino, Pima, Pinal, and Graham Counties, and at the Salt River Indian Pima-Maricopa Community, the Gila River Indian Community and the Navajo Nation, and the potential deadly nature of the virus, that out of an abundance of caution and in order to heighten mitigation of the potential incidence and growth of the virus occurring on the San Carlos Apache Reservation ("Reservation"), the TERC ordered and this day requests that the Council approve the following:

- (1) A curfew on all residents of the Reservation imposed daily from 10 p.m. through the following morning at 6 a.m.;
- (2) Commuting Stickers. In order to track commuters, the SCAPD shall be tasked to issue stickers for such purpose, and violators be cited;
- (3) The Tribe's DHHS, together with the SCAHC, shall daily publish the number of COVID-19 positive cases, hospitalizations and deaths, as may be available and as follows:
 - (A) U.S.;
 - (B) Arizona;
 - (C) Arizona Counties;
 - (D) Reservation;
 - (E) For each category above, calculate the percentage (straight-line) rate of COVID-19 growth rate and the average daily (compound) growth rate per week;
 - (F) The purpose of this publication shall be to inform both the TERC and the public as to the difference in vectors of those self-quarantined having

tested positive for COVID-19 and those hospitalized against the rate of mortality, in effort to show the effectiveness of mitigation measures implemented by the Tribe, the State of Arizona and the federal government;

(G) Publication shall be via the SCAHC Internet website, KYAY and other media as may be available; and

WHEREAS, the Council concurs with the Commission, and finds that the Tribe has a continued compelling government obligation and interest in responding to and to mitigate the COVID-19, such measures, including a curfew and data publication, remain in the best interest of protection of the health, safety and welfare of the Tribe and its members.

BE IT RESOLVED by the Council of the San Carlos Apache Tribe that upon recommendation of the TERC:

1. A curfew is hereby imposed upon all residents of the Reservation such that everyone shall remain at their residence from 10 p.m. through to the following morning at 6 a.m., except for those seeking emergency health care, first responders, healthcare workers, essential government and economic development enterprises, and commuters.
2. Commuter Stickers. The SCAPD shall issue stickers for and maintain a log of vehicles identifying the driver as a healthcare worker, first responder, essential government and economic development enterprise employee. A letter from an employer shall be sufficient evidence of travel for commuting purposes. In the event that an individual forges a sticker or does not have sufficient evidence to show the basis of travel as a commute, the individual shall be cited for interfering with tribal government operations.
3. The SCAHC shall daily publish the COVID-19 growth rate against the weekly average daily increase or decrease for those testing positive, hospitalized or otherwise deceased, as described above.
4. Said authorities and requirements provided herein shall terminate and have no force or effect upon notice from the TERC that the COVID-19 pandemic has ended or is sufficiently controlled as to warrant a lifting of restrictions set forth herein, in whole or in part
5. If any provision or provisions of this Resolution stand in conflict with any prior act or Resolution of this Council, the provisions of this Resolution shall apply.
6. Should any provision of this Resolution be challenged in a court of law with jurisdiction and be deemed to unconstitutional or otherwise illegal, such

provision shall be deemed severable and the remaining provisions of this Resolution will remain in full force and effect.

BE IT FURTHER RESOLVED by the Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the Council is composed of eleven (11) members, of whom eleven (11), constituting a quorum, were at a Special Council Meeting hereto held on the 30th day of March, 2020, and that the foregoing Resolution No. MR-20-044 was duly adopted by a vote of FOR: 10; OPPOSED: 0; ABSTAINED: 0; of the Tribal Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954.



Santana Dillon
Council Secretary
SAN CARLOS APACHE TRIBE